

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

05-OLR-7

Gary Roets,
Attorney at Law

In August 1999, a woman was named as personal representative of an estate and she hired Respondent to represent her in the probate of the Estate. The assets of the Estate were valued at less than \$11,000.00. On October 14, 1999, a petition for summary assignment was filed with regard to the Estate in the Columbia County Circuit Court. The Estate remained open as of 2003, when the Circuit Court issued an order to show cause why the Estate had not been closed within 18 months of the filing of the petition for summary assignment. The hearing on the order to show cause was held on October 7, 2003. While the Personal Representative appeared at the hearing, the Respondent did not appear. By Order dated October 9, 2003, the Court appointed the Personal Representative as special administrator for the Estate, and ordered her to retrieve all of the Estate's records and files from Respondent and to secure the services of another attorney to assist her with closing the Estate.

The Personal Represent hired another attorney shortly after entry of the Order. In early November 2003, when the Personal Representative was having difficulty obtaining any response from Respondent regarding the Order that she obtain the Estate's file, the Personal Representative filed a grievance with the Office of Lawyer Regulation. Successor counsel received the Estate's file from Respondent later in November 2003, and the Estate was closed on January 29, 2004.

The Personal Representative reported that she had attempted on numerous occasions between the summer of 2000 and October 7, 2003, to contact Respondent by telephone with no response. She also reported several personal visits to Respondent's office, all of which found the office locked. Additionally, the Personal Representative specifically contacted Respondent sometime after receipt of the order to show cause and before the hearing on October 7, 2003, in order to discuss the order to show cause. When she could not reach him by telephone, the Personal Representative went to his office and again found it locked. Respondent did not respond to the Personal Representative's telephone call regarding the order to show cause nor did he appear at the hearing.

By letter dated January 30, 2004, Office of Lawyer Regulation staff notified Respondent of the Personal Representative's grievance and that a written response was required within twenty days. No response was received by the deadline specified in the January 30, 2004 letter from the Office of Lawyer Regulation. On April 5, 2004, after further letter notice from the Office of Lawyer Regulation dated March 5, 2004 did not generate a response, the grievance and notice of response obligations were personally served on Respondent. When no response was received by the Office of Lawyer Regulation following personal service of the grievance and notice of response obligations on the Respondent, the Office of Lawyer Regulation filed a motion in the Supreme Court pursuant to SCR 22.03(4) seeking an order to show cause as to why Respondent's law license should not be suspended for willful non-cooperation with the grievance investigation. The Supreme Court issued such an order on April 19, 2004. Respondent filed a response to the grievance dated June 3, 2004. The Office of Lawyer Regulation notified the

Supreme Court of that development and withdrew its motion seeking the suspension of Respondent's license.

On September 21, 2004, the Office of Lawyer Regulation referred the investigation of the grievance against Respondent to the District 7 Committee. By letter dated October 18, 2004, the investigator for the District Committee requested a written response to the grievance from Respondent. When the investigator did not receive a response to his October 18, 2004 letter, the investigator telephoned the Respondent's office on November 10, 15, 16, 19, and 30, 2004, and on each such occasion left a message on Respondent's answering machine requesting that he contact the investigator. The investigator also telephoned Respondent's office once on November 11, 2004 and twice on November 12, 2004; however, no one answered at the office and he was prevented from leaving a message on those dates because the answering machine was either full or did not answer. On November 12, 2004, the investigator sent a second written request for a response to the Respondent via certified mail, return receipt requested. On November 24, 2004, the United States Postal Service advised the investigator that they had placed a notice of certified mail in Respondent's mailbox on November 13 and 18, 2004, and would place one more notice in Respondent's mailbox on November 24, 2004. On December 6, 2004, the certified letter was returned to the investigator stamped "return to sender, unclaimed, unable to forward."

By failing to act with reasonable diligence and promptness in his representation of the Personal Representative to advance the interests of the Estate and by failing to properly calendar and appear for the October 7, 2003 hearing on the order to show cause, the Respondent violated SCR 20:1.3. By failing to respond to reasonable inquiries for information from the Personal Representative and by failing to keep her reasonably informed about the status of the Estate, the

Respondent violated SCR 20:1.4(a). By failing to timely file an initial written response to the grievance with the Office of Lawyer Regulation in its investigation, the Respondent violated SCR 22.03(2). By failing to cooperate with the District 7 Committee in its investigation, the Respondent violated SCR 22.04(1).

In accordance with SCR 22.09(3), Attorney Gary Roets is hereby publicly reprimanded.

Dated this 5th day of October, 2005.

SUPREME COURT OF WISCONSIN

/s/ Gene B. Radcliffe

Gene B. Radcliffe, Referee